

2005 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB391)

Received: **02/14/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy (aide)**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Payment of attorneys fees by proposed ward who has a power of attorney

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 02/17/2006	kfollett 02/17/2006		_____			
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FE Sent For:

<END>

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/?	dkennedy	1/1/06 2/1/06	2/1/06 PS	2/1/06 PS			
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FE Sent For:							

<END>

Kennedy, Debora

From: LRB.Legal
Sent: Tuesday, February 14, 2006 10:47 AM
To: Kennedy, Debora
Subject: FW: Message for Debora Kennedy

From: Ewy, Stuart
Sent: Tuesday, February 14, 2006 10:46 AM
To: LRB.Legal
Subject: RE: Message for Debora Kennedy

Hi Deb-
 Yes, you have permission to talk to them. We have been talking with Bob Anderson and Pat Cavey on this issue.
 Thank you very much,
 Stuart

From: LRB.Legal
Sent: Tuesday, February 14, 2006 10:42 AM
To: Ewy, Stuart
Subject: FW: Message for Debora Kennedy

From: Kennedy, Debora
Sent: Tuesday, February 14, 2006 10:41 AM
To: LRB.Legal
Subject: RE: Message for Debora Kennedy

Yes, Stuart, it can be done, but I may need permission from you to contact the Legal Aid folks to learn just HOW they want it done; that is, there are a few different options for effecting what they want.

From: LRB.Legal
Sent: Tuesday, February 14, 2006 10:39 AM
To: Kennedy, Debora
Cc: Ewy, Stuart
Subject: FW: Message for Debora Kennedy

From: Ewy, Stuart
Sent: Tuesday, February 14, 2006 10:32 AM
To: Kennedy, Debora; LRB.Legal
Cc: Tim Carpenter
Subject: Message for Debora Kennedy

Debora Kennedy-

Hi Deb-

Tim would like an amendment drafted for the latest version of SB 391. As you may be aware, Legal Aid is not happy with a provision that allows a ward who opposes an incompetency proceeding to be required to pay the attorney's fees of the person who brings the case against him/her even though the ward tried to safeguard against that very possibility by creating a power of attorney or power of health care. Tim would like an amendment to remove this provision.

Please confirm that this can be done,

Thank you!

Regards,

G. Stuart Ewy
Chief of Staff
Office of Senator Tim Carpenter
State Capitol 126 S
608.266.8535

Kennedy, Debora

From: LRB.Legal
Sent: Thursday, February 16, 2006 7:55 AM
To: Kennedy, Debora
Subject: FW: Message for Debora Kennedy Re SB 391

From: Jeff Myer [mailto:jeffmyer@execpc.com]
Sent: Thursday, February 16, 2006 12:58 AM
To: LRB.Legal
Cc: Sen.Carpenter
Subject: Message for Debora Kennedy Re SB 391

Dear Ms. Kennedy:

My apologies for not getting to your telephone call before 5:00 on Wednesday regarding Senator Carpenter's request.

The language that would address the problems I identified regarding guardianship petitioners' attorneys' fees is to delete the changes made in Sections 421 and 422 of Senate Substitute Amendment to 2005 Senate Bill 391. I think this means that Section 421 of Senate Substitute Amendment to 2005 Senate Bill 391 would simply read "880.24(3) of the statutes is renumber 54.46(3)" Section 422 of Senate Substitute Amendment 1 to Senate Bill 391 would be deleted.

The effect of these two changes in the proposed substitute amendment would be (1) to renumber Wis Stat 88.24(3), consistent with the new numbering in the substitute amendment, and (2) to keep the law the same as current law with respect to guardianship petitioner's attorney's fees.

I don't know if you caught this yet, but as you know, the same type of change to current Wis. Stat. 880.24(3) is proposed in AB 785, but the language in sections 200 and 201 of AB 785 is inconsistent with sections 421 and 422 of Substitute Amendment 1.

Jeff Myer

--

CoreComm Webmail.
<http://home.core.com>

414 278-7722

Kennedy, Debora

To: ~~jeff@execpe.com~~
Subject: Amendment to SSA 1 to SB 391

jeff@legislation.org

Thank you for your e-mail. It is not possible to draft the amendment exactly as you suggest, because of other changes in the substitute amendment, but I understand the gist of what you are trying to achieve. I have tried to reach you by phone again today, but have been unsuccessful. The question I have been calling about has to do with whether you wish to retain the phrase "to avoid guardianship" that is in current law, or whether you wish to use the language of the sub "for financial and health care decision making" instead. I will send this e-mail to your other e-mail address, as well, and hope that we will connect.

Debora A. Kennedy

Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

2/17 From Jeff Meyer:

Don't change language of 880.24 (3)

(b), stats.



MONDAY
State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2332/21

DAK: k.j.f

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 391**

and ending with

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 94, line 17: after that line insert:

3 **"(3) (am) Exception."**

4 **2.** Page 94, line 18: delete **"(3)"**.

5 **3.** Page 211, line 13: on lines 13 and 14, delete "Except as provided in par. (b).
6 when if on line 14

7 and substitute "Except as provided in par. (b), when (am), if".

8 **4.** Page 211, line 19: delete the material beginning with that line and ending
9 with page 212, line 3, and substitute:

10 **"SECTION 423m. 880.24 (3) (a) 1. to 4. of the statutes are renumbered 54.46 (3)**

(a) 1. to 4.

the material beginning with

Change component

2 (END)